

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re IBM Subpoena in the matter of:

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Plaintiff and Counterclaim
Defendant,

v.

PLATFORM SOLUTIONS, INC.,

Defendant and Counterclaimant.

CASE NO. 5:07-mc-80174-JW PVT

Underlying action pending in the United States
District Court for the Southern District of New
York, CASE NO. CV 06-13565 SCR

**AMENDED [PROPOSED] ORDER
GRANTING NONPARTY HEWLETT-
PACKARD COMPANY'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL UNREDACTED PAGES OF
EXHIBITS TO DECLARATION OF
ANGELIQUE KAOUNIS IN SUPPORT OF
MOTION TO MODIFY SUBPOENA AND
FOR A PROTECTIVE ORDER**

Date: September 11, 2007

Time: 10:00 a. m.

Place: Courtroom 5

Before: The Honorable Patricia V. Trumbull

Good cause appearing therefore, IT IS HEREBY ORDERED THAT the following documents lodged with the Court by Hewlett-Packard Company ("HP") shall be filed under seal:

1. Pages 5 (para. 18 on page 3 of the underlying document) and 10 (on page 8 of the underlying document, the third full line of Request No. 1) of the subpoena IBM served on HP on May 31, 2007 in the underlying matter, lodged with this Court on July 2, 2007 as Exhibit B to the *Declaration of Angelique Kaounis in Support of HP's Motion to Modify Subpoena and for a Protective Order* ("Kaounis Dec. I").

2. Pages 6 (para. 9 on page 5 of the underlying document), 10 and 11 (page 9, line 4-5 and page 10, lines 1-2 of the underlying document) of *HP's Objections and Responses to the May 31, 2007 IBM Subpoena* served on IBM's counsel on June 29, 2007, and lodged with this Court on July 2, 2007, as Exhibit G to the Kaounis Dec. I.

IT IS SO ORDERED.

Dated: _____

HONORABLE PATRICIA V. TRUMBULL
UNITED STATES MAGISTRATE COURT JUDGE

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Angelique Kaounis
Angelique Kaounis
Attorneys for NONPARTY
HEWLETT-PACKARD COMPANY

CERTIFICATE OF SERVICE

MAIL, COMMERCIAL OVERNIGHT MESSENGER, FAX, HAND DELIVERY

I, Claudette M. Blaylock, hereby certify as follows:

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 333 South Grand Avenue, Los Angeles, California 90071, in said County and State; I am employed in the office of Angelique Kaounis, a member of the bar of this Court, and at her direction, on July 5, 2007, I served the following:

**AMENDED [PROPOSED] ORDER GRANTING NONPARTY HEWLETT-
PACKARD COMPANY'S ADMINISTRATIVE MOTION TO FILE UNDER
SEAL UNREDACTED PAGES OF EXHIBITS TO DECLARATION OF
ANGELIQUE KAOUNIS IN MOTION TO MODIFY SUBPOENA AND FOR A
PROTECTIVE ORDER**

on the interested parties in this action, by:

☐ **Service by Mail:** placing true and correct copy(ies) thereof in an envelope addressed to the attorney(s) of record, addressed as follows:

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business.

☒ **Service by Commercial Overnight Messenger:** placing true and correct copy(ies) thereof in an envelope addressed to the attorney(s) of record, addressed as follows:

Richard W. Erwine, Esq.
Katherine Weall, Esq.
Quinn Emanuel Urquhart
Oliver & Hedges, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
(212) 849-7000 (tel.)
(212) 849-7100 (fax)
[Courtesy copy by email/PDF]

Ryan C. Kirkpatrick
Susman Godfrey LLP
1901 Ave. of the Stars, Suite 950
Los Angeles, CA 90067
(P) 310-789-3107
(F) 310-789-3016
[Courtesy copy by email/PDF]
rkirkpatrick@susmangodfrey.com

richarderwine@quinnemanuel.com
KatherineWeall@QuinnEmanuel.com [Counsel for PSI]
[Counsel for IBM]

and after sealing said envelope I caused same to be delivered to the aforementioned attorney(s) by qualified commercial overnight messenger.

☐ **Service by Fax:** causing a true copy thereof to be sent via facsimile to the attorney(s) of record at the telecopier number(s) so indicated, addressed as follows:

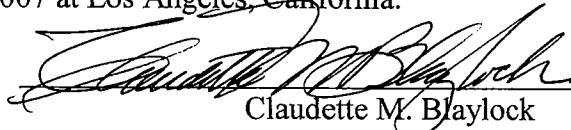
Attorney Name & Address	Fax and Callback Number
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and that the transmission was reported as completed and without error. A true and correct copy of said transmission report is attached hereto.

☐ **Service by Hand Delivery:** delivering true and correct copy(ies) thereof and sufficient envelope(s) addressed to the attorney(s) of record, addressed as follows:

to a messenger or messengers for personal delivery.

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s), and all copies made from same, were printed on recycled paper, and that this Certificate of Service was executed by me on July 5, 2007 at Los Angeles, California.



Claudette M. Blaylock

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